

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

MARILYNE O'NEAL

PLAINTIFF

V.

CIVIL NO. 1:20-CV-145-SA-DAS

UNION NATIONAL LIFE INSURANCE COMPANY

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

Marilyne O'Neal filed this suit on May 26, 2020 in the County Court of Lowndes County, Mississippi. Union National Life Insurance Company removed the case to this Court on July 13, 2020, premising federal jurisdiction on the basis of diversity pursuant to 28 U.S.C. § 1332. The Plaintiff filed an Objection [7] to the Notice of Removal on July 24, 2020, conceding that the parties are diverse but arguing that the amount in controversy did not meet jurisdictional requirements. This Court then entered an Order [12] to Show Cause on August 11, 2020 as to why this case should not be dismissed for lack of subject matter jurisdiction due to the amount in controversy not being satisfied. The Defendant filed a Motion [13] for limited discovery related solely to the jurisdictional issue, but the Plaintiff did not respond. Nor did the Plaintiff respond to the Court's Show Cause Order [12].

The Magistrate Judge assigned to this case then entered an Order [16] authorizing the requested discovery, which included five interrogatories to which the Plaintiff was required to respond by September 21, 2020. The Plaintiff did not respond to the interrogatories. The Defendant then filed a Motion [20] to Compel on October 2, 2020, and the Magistrate Judge entered an Order [23] granting the Motion. The Plaintiff was then ordered to respond by October 23, 2020 but did not do so. The Magistrate Judge then entered a second Order [25] to Show Cause on November 2, 2020 as to why this case should not be dismissed. The Plaintiff did not respond to the second Order

[25]. Now before the Court is the Magistrate Judge's Report and Recommendation [27] that this action be dismissed. The Plaintiff has not filed an objection to the Report and Recommendation.

On consideration of the file and records in this action, the Court finds that the Report and Recommendation [27], dated December 4, 2020, was on that date duly served by first class mail upon the Plaintiff; that more than fourteen days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by the Plaintiff. The Court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the Court.

As such, this Court adopts the Magistrate Judge's Report and Recommendation as the findings of fact and the opinion of the Court. The case is hereby DISMISSED *without prejudice*.

It is SO ORDERED on this, the 26th day of January, 2021.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE